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10/068,295

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EXAMINER

TRUONG, LECHI

ART UNIT

PAPER NUMBER

2194

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/068,295 | Applicant(s) MITCHELL ET AL. | |
| | Examiner LECHI TRUONG | Art Unit 2194 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are presented for the examination

In view of the Appeal Brief filed on 02/22/2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

2. The cross reference related to the application cited in the specification must be updated (i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriated, on page 3 of the application on 02/05/2002).

Claim Rejections - 35 USC § 102

3. Claims 1, 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Bhat (US. Patent 6,097,955).

Art Unit: 2194

As to claim 1, Bhatt teaches message (message, cool 2, in 25-30/col 4, in 10-20/ col 6, ln 46-55), asserting whether the message is in a selected application format (col 6, ln 50-55), selected application (the radio cluster servers 220-222, col 4, ln 39-45/ col 6, ln 50-49), a next location (another system node, cool 3, ln 59-62), a next location (communication module 320, col 6, ln 63-67/ Fig. 3), if the message is not in the selected application format (Paging message, col 6, ln 63-67/ col 2, ln 25-30), if message is not in the selected application format: routing the message to a next location(col 6, 63-67), a selected application processor(the CPU of the application processor 302, col 6, ln 12-16/ the radio server 322-324 may be implemented as individual hardware units such as data processors, col 6, ln 15-17), if the message is in the selected application routing the message to a selected application processor(this first message is determined to be a regular call control message that is processed by the radio cluster servers 322-324. Thus in that case, this first message is sent to the radio cluster servers 322-324 for processing at step 408, col 6, ln 50-55/ since the message is routed to the cluster, the message is routed to the CPU of the application processor because the cluster servers are software component within the CPU of the application processor, col 6, ln 6-16), processing the message by the selected application processor(col 6, ln 55-60), routing the message to the next location(col 6, ln 55-62).

As to claim 19, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2194

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **2-6, 20-21** are rejected under 35 U.S.C. 103(a) as being anticipated by Bhat (US. Patent 6,097955) in view of Rosborough(US 5764912 A).

As to claim 2, Bhat does not teach a message as packet. However, Rosborough teaches the message includes receiving a packet (the client computer may request one or more of the server computers to transfer service packets containing data to the client computer or provide service packets containing data to the server computer(s) to permit the server computer(s) to process the request, col 1, ln 25-35).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Bhat with Rosborough to incorporate the feature of Bhat with Rosborough to incorporate the feature of the message includes receiving a packet because this provides a method for identifying a transaction comprising a plurality of service packets communicated between source and destination nodes that includes the steps.

As to claim 3, Rosborough teaches the packet from a network (col 1, ln 45-46).

As to claim 4, Bhat teaches the packet from a switched network (Fig.1).

As to claim 5, Rosborough teaches the internet (col 1, ln 45-65).

Art Unit: 2194

5. Claims **2-6, 20-21** are rejected under 35 U.S.C. 103(a) as being anticipated by Bhat (US. Patent 6, 097955), as applied to claim 1 above, in view of Chen (US 6061796 A).

As to claim 6, Bhat teaches the message is encrypted (col 5, ln 54-57); processing the message by the selected application processor includes decrypting the message by the selected application processor (while the latter function provides the authentication server with the client address so that the authentication server can establish a secured and authenticated link with the peer application, via authentication client software on the peer computer, and transmit the session key to the peer application or at least enable the peer application to recreate the session so that it can decrypt the encrypted files received directly from the client application, col 11,ln 40-48).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Bhat with Chen to incorporate the feature of the message is encrypted because thi provides data encryption and mutual authentication services for both client/server and peer-to-peer applications at the applications, transport driver, and network driver levels.

As to claims 20, 21, they are apparatus claims of claims 2 and 6; therefore, they are rejected for the same reasons as claims 2 and 6 above.

Claim Rejections - 35 USC § 102

Art Unit: 2194

6. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Miloushev (US 6889249 B2).

As to claim 7, Miloushev teaches a network (networks, col 8, ln 30-35), a fabric configured for communication (the file switch 200, col 8, ln 30-40), a plurality of application service devices (the file servers 201, col 8, ln 35-43), unprocessed application specific message(transaction, col 10, ln 63-67/ data, col 10, ln 50-53), the plurality of application service devices are configured to receive a plurality of unprocessed application specific message (col 10, ln 50-53/ ln 55-67), a particular application (the file server 401, col 11, ln 1-10), the application specific message (write request, col 11, ln 1-10), each unprocessed application specific message is configured to be processed by a particular application (col 11, ln 1-10), each unprocessed applications specific message is processed with the particular application for with it is configured (col 11, ln 1-10), a plurality of processed application-specific messages is produced(response, col 11, ln 1-10), service devices are configured to sent the each processed application specific message to the fabric(col 11, ln 1-11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2194

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloushev(US 6889249 B2) in view of Rosborough(US 5764912 A).

As to claim 8, Miloushev does not teach a message as packet. However, Rosborough teaches the message includes receiving a packet (the client computer may request one or more of the server computers to transfer service packets containing data to the client computer or provide service packets containing data to the server computer(s) to permit the server computer(s) to process the request, col 1, ln 25-35).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Miloushev with Rosborough to incorporate the feature of Miloushev with Rosborough to incorporate the feature of the message includes receiving a packet because this provides a method for identifying a transaction comprising a plurality of service packets communicated between source and destination nodes that includes the steps.

As to claim 9, Miloushev teaches a hardware state machine (col 10, ln 9-11).

9. Claim **10 is** rejected under 35 U.S.C. 103(a) as being unpatentable over Miloushev(US 6889249 B2) in view of in view of Rosborough(US 5764912 A) in view of Shanklin et al (US. Patent 6,578,147 b1).

Art Unit: 2194

As to claim 10, Miloushev and Rosborough do not teach the plurality of application service devices is included in a single integrated circuit. However, Shanklin teaches the plurality of application service devices is included in a single integrated circuit (col 6, ln 65-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Miloushev and Rosborough with Shanklin to incorporate the feature of the plurality of application service devices is included in a single integrated circuit because this determines if there is an attempt to gain unauthorized access to the network.

8. Claims **11-12, 14, 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloushev (US 6889249 B2) and further in view of Shanklin et al (US. Patent 6,578,147 b1).

As to claim 11, Miloushev does not teach each application service device comprises a simple programmable processor. However, Shanklin teaches each application service device comprises a simple programmable processor (col 10, ln 7-8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Miloushev with Shanklin to incorporate the feature of each application service device comprises a simple programmable processor because this determines if there is an attempt to gain unauthorized access to the network.

As to claim 12, Shanklin teaches a plurality of interoperable configured distinct physical devices (col 9, ln 5-6).

As to claim 14, Shanklin teaches an unprocessed application stream (col 5, ln 56-61).

As to claim 16, Shanklin teaches an e-mail transfer (col 5, ln 3-5).

Art Unit: 2194

As to claim 17, Shanklin teaches a virtual private networking communication (col 1, ln 15-17).

As to claim 18, Shanklin teaches a TPC offload engine communication (Another example of a signature requiring network analyzer 35 is a signature known as a "TCP scan" signature, which is indicated by a series of connections from the same source to different hosts, col 5, ln 50-55/ ln 63-64).

9. Claim **13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Miloushev(US 6889249 B2) in view of TB (Troubleshooting).

As to claim 13, Miloushev do not teach SSL/TLS. However, TB teaches SSL/TLS (SSL/TLS, page 2, ln 12).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Miloushev with TB to incorporate the feature of SSL/TLS because this improves performance of systems by allowing the requirement for implementing encryption acceleration hardware.

10. Claim **15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Miloushev (US 6889249 B2) and further in view of Shanklin et al (US. Patent 6,578,147 b1) and further in view of in view of TB (Troubleshooting).

Art Unit: 2194

As to claim 15, Miloushev and Shanklin do not teach an SSL/TLS connection between a web browser and a web server. However, TB teaches an SSL/TLS connection between a web browser and a web server (page 4, ln 22-25).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Miloushev and Shanklin with TB to incorporate the feature of SSL/TLS because this improves performance of systems by allowing the requirement for implementing encryption acceleration hardware.

11. Claim **22** is rejected under 35 U.S.C. 103(a) as being unpatentable over by Bhat (US. Patent 6,097,955) in view of Muthukumar et al (US. Patent 6,820,250 b2).

As to claim 22, Bhat does not teach the first/second iteration, a pipeline. However, Muthukumar teaches iteration, a pipeline (the first iteration, last iteration, the software pipeline, col 2, ln 64-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Bhat with Muthukumar to incorporate the feature of iteration, a pipeline because this allows the system to improve the performance of software pipelined loops.

Response to the argument:

12. Applicant amendment filed on 12/08/2008 has been considered but they are not persuasive:

Art Unit: 2194

Applicant argued in substance that :

(1) “ Applicants noted that it does not follow from the fact that the radio cluster server may be compoments of the device denoted as the application processor”.

(2) “ the concept of implementig packet based load balancing through sensor redudancy”.

14. Examiner respectfully disagreed with Applicant's remarks:

As to the point 1, Bhat teaches if the message is not in the selected application format (Paging message, col 6, ln 63-67/ col 2, ln 25-30), if message is not in the selected application format: routing the message to a next location(col 6, 63-67), a selected application processor(the CPU of the application processor 302, col 6, ln 12-16/ the radio server 322-324 may be implemented as individual hardware units such as data processors, col 6, ln 15-17), if the message is in the selected application routing the message to a selected application processor(this first message is determined to be a regular call control message that is processed by the radio cluster servers 322-324. Thus in that case, this first message is sent to the radio cluster servers 322-324 for processing at step 408, col 6, ln 50-55/ since the message is routed to the cluster, the message is routed to the CPU of the application processor because the cluster servers are software component within the CPU of the application processor (col 6, ln 6-16).

As to the point 2, Shanklin teaches (Another example of a signature requiring network analyzer 35 is a signature known as a "TCP scan" signature, which is indicated by a series of connections from the same source to different hosts, col 5, ln 50-55/ ln 63-64).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272-3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193

LeChi Truong
March 23, 2009

Application/Control Number: 10/068,295

Page 13

Art Unit: 2194